

**APPENDIX C****State Fees, Federal Fees, Minor Project Categories, and General Permit Categories for Minor Projects****STATE FEES**

All permit applications for projects located on an inland lake or stream, Great Lake, or within a wetland or *floodplain* regulated by Part 301, Inland Lakes and Streams; Part 303, Wetlands Protection; Part 325, Great Lakes Submerged Lands; *Floodplain* Regulatory Authority found in Part 31, Water Resources Protection; Part 353, Sand Dunes Protection and Management; Part 323, Shorelands Protection and Management; or Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), shall be accompanied by a fee in accordance with the following fee schedule. Fees are not cumulative, with the exception of *dam* and *critical dune* projects. The highest of all other fees will be charged. **Final fee determination will be based upon the final administrative review of the plans and specifications provided with the permit application. The applicant will be notified if the final fee determination is different from that submitted with the application.**

CATEGORY	FEE
All projects not covered below.....	\$500
Minor Project Categories listed in R281.816 for Part 301, or R322.1013 for Part 325*	\$50
General Permit Categories for minor activities in wetlands authorized under Section 30312 of Part 303*	\$100
Minor Project Categories authorized under Section 3104(5) of Part 31*	\$100
Transfer of existing permit responsibility coverage and liability (Part 303)	\$250
Minor revision to an existing permit that does not increase the overall impact to wetlands and that is within the original scope (Part 303)	\$250
Marina Operating Permit Renewal or Transfer under Part 301.	\$50
Marina Construction or Reconfiguration Projects under Parts 301 or 325.	
• reconfiguration of 1-10 slips	\$50
• new marina of 1-10 slips	\$100
• reconfiguration of 11-50 slips	\$250
• new marina of 11-50 slips	\$500
• new, or reconfiguration marina, over 50 slips.....	\$10/slip
• existing marina - maintenance dredging of 10,000 cubic yards or more, or the addition of seawalls, bulkheads, or revetments of 500 feet or more	\$1,500
Major Projects: Categories as listed below under Parts 301, 303, or 325.....	\$2,000
• dredging of 10,000 cubic yards or more (wetlands excepted)	
• seawalls, bulkheads, or revetments of 500 feet or more	
• new commercial <i>docks</i> or wharves of 300 feet or more in length	
• stream relocations of 500 feet or more in length	
• filling of 10,000 cubic yards or more (wetlands included)	
• new dredging or upland boat basin excavation in suspected contamination areas	
• filling or draining of 1 acre or more of contiguous coastal or inland wetland	
• stream enclosures of 100 feet or more in length	
• new golf courses, subdivisions, or condominiums	
• shore protection that extends 150 feet or more into a lake or stream	
Critical Dune Area Projects under Part 353. Fees for Part 353 are in addition to other fees listed. Revised Fees - See Page 2	
High Risk Erosion Area Projects under Part 323.	
• additions to an existing single-family home, garage.....	\$50
• single-family home, other single-family building, or building relocation.....	\$100
• commercial or multi-family residential project	\$500
Hydrologic review fee charged to Floodplain Projects where engineering computations are required to assess the impact of a proposed floodplain alteration on flood stage or discharge characteristics (This is in addition to the require application fee)	\$1,500
Dam Projects under Part 315. Fees for Part 315 are in addition to the fees listed above.	
• dam height 6 feet or more, but less than 10 feet.....	\$500
• dam height 10 feet or more, but less than 20 feet.....	\$1,000
• dam height 20 feet or more	\$3,000
• dam repair, alteration, removal, or abandonment	\$200
• minor projects pursuant to Section 27(1)*	\$100

*Minor Project Categories for Part 31, Part 301, Part 315, and Part 325, as well as General Permit Categories for Minor Activities under Part 303, are attached for your reference. If you would like a copy of a particular statute or administrative rules, you may submit a request to the Permit Consolidation Unit (PCU) at: MDEQ, LWMD, PCU, P.O. Box 30204, Lansing, MI 48909-7704, call 517-373-9244, or download a copy from our website at "www.michigan.gov/jointpermit".

FEDERAL FEES

All activities within the waters of the United States regulated by the USACE under the authority of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344) may also require a permit from the USACE. The USACE will notify you of the appropriate federal filing fee when their permit application review has been completed and a preliminary determination has been made that a permit will be required. Fees are assessed as follows:

CATEGORY	FEE
• commercial or industrial users.....	\$100
• noncommercial users	\$10

DO NOT SUBMIT ANY FEE TO THE USACE UNTIL YOU ARE NOTIFIED OF THE REQUIRED AMOUNT.

NOTE: The federal filing fee is in addition to any fee required by the state of Michigan.



Fees

Part 353, Sand Dunes Protection and Management , 1994 PA 451, as amended

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| \$150 | <ul style="list-style-type: none">• Decks with a cumulative area of 225 square feet or smaller. |
| \$250 | <ul style="list-style-type: none">• Removal of blow sand to maintain an existing use (5 year permit).• Installation of retaining walls or other erosion protection devices up to 100 feet in cumulative length.• Removal of more than two but less than ten trees, not related to a commercial logging activity.• Decks greater than a cumulative area of 225 square feet.• Request to modify an existing permit that has not expired. |
| \$600 | <ul style="list-style-type: none">• Additions, garages, gazebos, and storage buildings.• Retaining walls and erosion protection devices larger than 100 feet in cumulative length.• Parking areas not associated with a special use project.• New, replacement, or maintenance of utilities for a single-family home, including a septic system.• Removal of ten or more trees, not related to a commercial logging activity.• Expansion of any road or driveway.• Demolition or removal of a building. |
| \$1300 | <ul style="list-style-type: none">• All other uses not listed, including:<ul style="list-style-type: none">▪ Construction of a single family home and associated infrastructure.▪ Construction of each additional home, cottage, or guest dwelling on one property.▪ Relocation of a single family home and associated infrastructure.▪ Construction of a driveway serving one single family home. |
| \$2000 | <ul style="list-style-type: none">• An industrial or commercial use where the area of impact will be no larger than 1/3 of an acre. |
| \$4000 | <ul style="list-style-type: none">• Construction of a road or driveway if the road or driveway has the potential to serve a multi-family development of more than two homes or to serve a special use project.• An industrial or commercial use where the area of impact will be larger than 1/3 of an acre.• A multifamily use of more than 3 acres.• A multifamily use of 3 acres or less if the density of use is greater than 4 individual residences per acre.• A project that would damage or destroy features of archaeological or historical significance. |
| \$2000 | <ul style="list-style-type: none">• Application for Special Exception (in addition to the above fees). |

Effective 4/26/2005

**Minor Project Categories for Part 31, Water Resources Protection, of the NREPA**

- (a) Construction, filling, or grading that is landward of the *floodway* limit identified in *floodplain* delineation studies listed in R 323.1314(1).
- (b) Construction, filling, or grading that is landward of the bed and banks of the St. Marys, St. Clair, and Detroit rivers.
- (c) Construction, filling, or grading that is landward of the *floodway* limits as determined by the department on stream reaches or in areas where *floodways* have not been defined by R 323.1314(1).
- (d) Any construction or filling which is located within the following critical floodwater storage areas and which is done on an individually owned subdivision lot where the construction and fill is confined to less than 5,000 square feet:
 - (i) Clinton river forks, as follows: Land areas within the *100-year floodplain* of the Clinton river and branches within Clinton township and Macomb township, Macomb county.
 - (ii) Saginaw river storage area, as follows: Land areas within the *100-year floodplain* of the Saginaw river and tributaries, including Cheboyganing and Dutch creeks, between the cities of Saginaw and Bay City, Saginaw and Bay counties.
 - (iii) Shiawassee flats, as follows: Land areas within the *100-year floodplain* of the lower reaches of the Shiawassee, Cass, Flint, Tittabawassee, and Bad rivers within Saginaw county.
 - (iv) Snake creek, as follows: Land areas within the *100-year floodplain* of Snake creek in the city of Midland, Midland county.
 - (v) Rush creek, as follows: Land areas within the *100-year floodplain* of Rush creek in Georgetown township and the city of Hudsonville, Ottawa county.
 - (vi) Frank and Poet drain, as follows: Land areas within the *100-year floodplain* of the Frank and Poet drain in the city of Trenton, Wayne county.
- (e) A clear span bridge that has the lowest bottom of beam elevation at or above the natural ground elevations on either bank and the approach fill sloping to natural ground elevations within 10 feet on either end of the bridge.
- (f) A culvert which has an effective waterway opening that equals or exceeds the cross-sectional area of the channel, which has the fill over the culvert that is not more than 1.5 feet, and which has approach fill that slopes to natural ground elevations within 10 feet on either side of the culvert.
- (g) A boardwalk which is of open pile construction and which is landward of or along the existing shoreline.
- (h) A pond where excavated materials are placed landward of the *floodway*, as defined in R 323.1311(g).
- (i) A parking lot constructed at grade or resurfacing that is not more than 4 inches above the existing surface.
- (j) A deck placed on a residential structure which is of open pile design, which is anchored to prevent flotation, and which does not extend over the bed and bank of a river or stream.
- (k) A stormwater outfall which conforms to the side slope of the river, stream, or waterway and which does not project beyond the shoreline.

Minor Project Categories for Part 301, Inland Lakes and Streams, of the NREPA

- (a) Noncommercial *piers*, *docks*, and *boat hoists* that meet all of the following design criteria:
 - (i) The length or size of the proposed structure is not greater than the length or size of similar structures in the vicinity and on the watercourse and will not unreasonably interfere with the navigability or boatability of the water involved.
 - (ii) Free littoral flow of water and drift material is provided for.
 - (iii) Clean, nonpolluting materials will be used for the construction.
 - (iv) The structure is a single pier or *dock* appurtenant to the applicant's upland or is an added boat hoist, minor pier, or extension to the existing boat hoist, pier, or *dock*.
- (b) Spring piles and pile clusters that meet all of the following design and purpose criteria:
 - (i) The location, number, and purpose for placement is usual for such projects in the vicinity and watercourse involved.
 - (ii) All piles and other materials used in their placement are clean, nonpolluting materials.
 - (iii) The location and placement will not create an obstruction to navigation.
- (c) Seawalls, bulkheads, and other permanent revetment structures that meet all of the following purpose and design criteria:
 - (i) The proposed structure fulfills an identifiable need for erosion protection, bank stabilization, or the protection of, or improvements on, uplands.
 - (ii) The structure will be constructed of suitable materials free from pollutants, waste metal products, debris, or organic materials.
 - (iii) The structure is not more than 300 feet in length and is located in an area on the body of water where other similar structures already exist. However, the department shall provide written notification to the adjoining riparian property owners for structures more than 200 feet in length. The department shall not complete action upon applications for such structures that are more than 200 feet in length for a period of 7 days from the mailing of the notification to allow adjoining riparian owners the opportunity to comment.
 - (iv) The placement of backfill or other fill associated with the construction does not exceed an average of 2 cubic yards per running foot along the shoreline and a maximum of 300 cubic yards.
 - (v) The structure or any associated fill will not be placed in a wetland area or placed in any manner that impairs surface water flow into or out of any wetland area.
- (d) Filling for the creation and improvement of swimming areas and beaches, the restoration of existing permitted fills, fills placed incidental to construction of other structures, and fills that do not exceed 300 cubic yards as a single and complete project that meet both of the following design criteria:
 - (i) The fill is of suitable material free from pollutants, waste metal products, debris, or organic materials.
 - (ii) Fill for the improvement of swimming areas or beaches, utilizing clean sand or gravel, will not exceed a blanket depth of 6 inches and will not be placed in a water depth exceeding 4 feet.
- (e) Dredging for the maintenance of previously dredged areas or dredging of not more than 300 cubic yards as a single and complete project when both of the following criteria are met:
 - (i) No reasonable expectation exists that the materials to be dredged are polluted.
 - (ii) All dredging spoils will be removed to an upland site exclusive of wetland areas.
- (f) Construction of bridges and culverts, whether new, replacement, or temporary, and the removal of bridges or culverts with the restoration of the crossing site that meet all of the following criteria:
 - (i) The bridge or culvert structure proposed is of a type and design, including certifications, described by one of the following:

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- (A) A clear span bridge that has the lowest bottom of beam elevation at or above the natural ground elevations on either bank and the approach fill sloping to natural ground elevations is within 10 feet on either end of the bridge.
- (B) A culvert which has an effective waterway opening that equals or exceeds the cross-sectional area of the channel, which has fill over the culvert that is not more than 1.5 feet, and which has approach fill that slopes to natural ground elevations within 10 feet of either side of the culvert.
- (C) The proposed structure is a replacement stream crossing which fully spans the bottomlands and the owner or the owner's engineering consultant certifies that the proposed structure is of equal or greater hydraulic capacity, that deletion of auxiliary waterway openings is not planned, and that available information does not indicate the presence of a *harmful interference*.
- (D) The proposed structure is a new stream crossing structure that fully spans the bottomlands. The design of the structure is certified by a registered professional engineer to pass the *100-year* flood, as determined by the department, without causing *harmful interference*. The certification includes hydraulic waterway design calculations.
- (E) The proposed structure is a new or replacement structure to be placed on an upland channel or similar artificially constructed waterway where consideration for the passage of flow is not a significant design factor.
- (F) The proposed structure is an extension of an existing bridge or culvert where the total extended length does not exceed 24 feet.
- (ii) The structure will provide sufficient underclearance to facilitate passage of watercraft that could be expected to navigate the waters involved.
- (iii) The total volume of fill to be placed below the ordinary high water mark for placement of the structure does not exceed 200 cubic yards.
- (iv) The removal of existing structures will be conducted without dropping demolition materials in the watercourse, and haul roads, work pads, or other structures to facilitate the removal will not be placed below the ordinary high water mark.
- (v) The structures will be designed and placed to assure that any increase in stream erosion or downcutting is prevented.
- (g) Watercourse crossings by utilities, pipelines, cables, and sewer lines that meet all of the following design criteria:
 - (i) A minimum of 30 inches of cover will be maintained between the top of the cable or pipe and the bed of the stream or other watercourse on buried crossings.
 - (ii) The method of construction proposed is the least disturbing to the environment employable at the given site.
 - (iii) Any necessary backfilling will be of washed gravel.
 - (iv) The diameter of pipe, cable, or encasement does not exceed 20 inches.
- (h) Dredging and construction or enlargement of ponds, lagoons, ditches, stormwater management basins, and similar artificial waterways if the proposed activity meets both of the following criteria:
 - (i) The artificial watercourse will have a surface area of less than 5 acres and have no direct connection to an existing inland lake or stream.
 - (ii) The resulting spoils will be placed on an appropriate upland site in a manner that will not impair flood flows or be eroded into public waters.
- (i) Structural repair of man-made structures that meets all of the following design and purpose criteria:
 - (i) The repair will not alter the original use of a currently serviceable structure.
 - (ii) The repair will not adversely affect public trust values or interests, including navigation, fish migration, and water quality.
 - (iii) Any materials used for repair will be made of nonpolluting materials.
- (j) Fish or wildlife habitat structures that meet all of the following criteria:
 - (i) The structures are placed so as not to impede navigation or create a navigational hazard.
 - (ii) The structures are anchored to the bottomlands.
 - (iii) The structures are constructed of nonpolluting materials.
 - (iv) The structure placement has the written authorization of the riparian owner and the appropriate department district fisheries or wildlife biologist, or both.
- (k) Scientific structures, such as staff gauges, water monitoring devices, water quality testing devices, survey devices, and core sampling devices, that meet all of the following design and purpose criteria:
 - (i) The structures do not impede navigation or create a navigational hazard.
 - (ii) The devices are constructed of nonpolluting materials.
 - (iii) The placement of any scientific structure has the written authorization of the riparian owner.
- (l) Navigational aids that meet either of the following criteria:
 - (i) The aids are approved by the United States coast guard.
 - (ii) The aids are approved under Part 801 of the act.
- (m) Extension of a project under a current permit that will not result in any damage to natural resources.
- (n) Physical removal of man-made structures or natural obstructions that meet all of the following criteria:
 - (i) The debris and spoils shall be removed to an upland site in a manner that will not impair flood flows or be eroded into public waters.
 - (ii) The stream bank or shoreline and bottom contours shall be restored to an acceptable condition.
 - (iii) Upon completion of structure removal, the site does not constitute a safety or navigational hazard.
 - (iv) Department staff shall consider fisheries and wildlife resource values when evaluating applications for natural obstruction removal.
- (o) Lake or impoundment drawdowns or the associated reflooding, or both, that meet the following design and purpose criteria:
 - (i) The purpose of the drawdown is described by one of the following criteria:
 - (A) The drawdown is temporary in nature for the purpose of inspection to determine the integrity of the impounding structure.
 - (B) The drawdown is associated with the routine operations of fish or wildlife floodings, ponds, or impoundments where the purpose of the drawdown is the enhancement or production of fish, wildlife, or associated habitat.
 - (C) A drawdown authorized by court order under the provisions of Part 307 of the act if the court has incorporated the department requirements into the court order or concurred in department recommendations to address environmental concerns under Part 301 of the act.
 - (ii) The potential adverse environmental effects of the drawdown have been determined to be minimal under R 281.814.
- (p) Seismic cables across lakes and streams which are temporary in nature and which will be clearly identifiable by recreationists normally expected to use the body of water.
- (q) Aquatic weed bottomland barriers that do not exceed 1600 square feet singly or in combination and that are installed with an anchoring system to assure permanent placement.
- (r) Dry fire hydrant installations where the intake line will not interfere with navigability of the water involved.
- (s) Storm water outlet structures where the activities do not exceed criteria of the designated minor project criteria for filling or dredging.
- (t) Off-line stormwater basins constructed for storm water management that provide retention/detention and sediment settling or filtration before discharge.
- (u) Boat ramps designed for single-family, private usage where the installation will not involve more than 10 cubic yards of dredging, with upland disposal, or filling.
- (v) Aquatic plant removal with mechanical equipment designed to operate by air or water pressure or by raking or rolling actions if the treatment areas are 1600 square

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- feet or less, if the water depth is 4 feet or less, and if the uprooted floating debris is removed and disposed of within upland areas.
- (w) Recreational mineral (gold) prospecting by mechanical methods, such as portable (backpack) suction dredges or sluice boxes, if the activity is for recreational reasons only and if all of the following conditions are met:
 - (i) Individual prospecting areas are 300 square feet or less per location.
 - (ii) The intake nozzle for suction dredges is 2 inches in diameter or less.
 - (iii) Prospecting will not be done before July 1 or after August 31.
 - (iv) Stream bank excavation will not occur.
 - (v) The stream bottom is predominately gravel.
 - (x) Ditch plugs with or without water flow controls if the purpose is to reestablish the hydrology to previously drained areas, if all impacted parties acknowledge and provide their written authorizations, and if the proposed activities do not exceed other minor project criteria.

Minor Project Categories for Part 315, Dam Safety, of the NREPA

- (1) The department shall grant or deny an application for a minor project after all of the following steps have been completed:
 - (a) Submission of a complete application.
 - (b) An on-site inspection by a department representative.
 - (c) A review of all appropriate information by the department.
- (2) A review of a minor project does not require any of the following:
 - (a) Submission of the application materials by the department to any of the individuals or agencies listed in Section 23(1) of the act.
 - (b) A 20-day comment period as provided for in Section 23 of the act.
 - (c) A public hearing.
- (3) Required plans and specifications for a minor project do not need to be prepared by a licensed professional engineer.
- (4) The following alterations and repairs shall be considered minor projects pursuant to Section 27 of the act if the activity involves a temporary drawdown of 2 feet or less or involves a temporary drawdown where the dam owner is the sole riparian to the lands surrounding the impoundment:
 - (a) Dredging or filling of more than 25 cubic yards, but less than 300 cubic yards, as a single and complete project. For dredging projects, the project will not be considered minor unless evidence is provided with the application that the materials to be dredged are not contaminated pursuant to the provisions of Act No. 64 of the Public Acts of 1979, as amended, being §299.501 et seq. of the Michigan Compiled Laws.
 - (b) Erosion protection measures that fulfill an identifiable need for erosion protection, bank stabilization, or the protection or improvement of the *dam* and its inlet and outlet channels. The fill material that is associated with erosion protection measures shall be in compliance with any of the following provisions:
 - (i) It shall have a volume of more than 25 cubic yards, but shall not have a volume of more than 300 cubic yards.
 - (ii) It shall not have a surface area of more than 10,000 square feet.
 - (iii) There shall not be more than 2 cubic yards per lineal foot.
 - (c) Other repairs and alterations that have a minimal effect on the structural integrity of the *dam*.
- (5) Dredging or filling in volumes of less than 25 cubic yards shall be considered maintenance and does not require a permit pursuant to the provisions of the act.

Minor Project Categories for Part 325, Great Lakes Submerged Lands, of the NREPA

- (1) The department may process applications in accordance with R 322.1014 for those projects of a minor nature which are not controversial; which have minimal adverse environmental impact; which will be constructed of clean, nonpolluting materials; which do not impair the use of the adjacent bottomlands by the public; and which do not adversely affect riparian interests of adjacent owners.
- (2) The following projects are eligible for a minor project permit:
 - (a) Noncommercial single *piers, docks, and boat hoists* which meet the following design criteria:
 - (i) Are of a length or size not greater than the length or size of similar structures in the vicinity and on the watercourse involved.
 - (ii) Provide for the free littoral flow of water and drift material.
 - (b) Spring piles and pile clusters when their design and purposes are usual for such projects in the vicinity and watercourse involved.
 - (c) Seawalls, bulkheads, and other permanent revetment structures which meet all of the following purpose and design criteria:
 - (i) The proposed structure fulfills an identifiable need for erosion protection, bank stabilization, protection of uplands, or improvements on uplands.
 - (ii) The structure will be constructed of suitable materials free from pollutants, waste metal products, debris, or organic materials.
 - (iii) The structure is not more than 300 feet in length and is located in an area on the body of water where other similar structures already exist.
 - (iv) The placement of backfill or other fill associated with the construction does not exceed an average of 3 cubic yards per running foot along the shoreline and a maximum of 300 cubic yards.
 - (v) The structure or any associated fill will not be placed in a wetland area or placed in any manner that impairs surface water flow into or out of any wetland area.
 - (d) *Groins: The Land and Water Division has determined that groin shore protection structures have a greater than minor impact to the environment and to adjacent owner riparian interest. Effective April 17, 2006, applications to construct or repair "groins" regulated under Part 325, Great Lakes Submerged Lands, of the NREPA, as amended, will be placed on Public Notice, per MDEQ Director's "Decision Document", signed February 22, 2006*
 - (e) Filling for restoration of existing permitted fills, fills placed incidental to construction of other structures, and fills that do not exceed 300 cubic yards as a single and complete project, where the fill is of suitable material free from pollutants, waste metal products, debris, or organic materials.
 - (f) Dredging for the maintenance of previously dredged areas or dredging of not more than 300 cubic yards as a single and complete project when both of the following criteria are met:
 - (i) No reasonable expectation exists that the materials to be dredged are polluted.
 - (ii) All dredging materials will be removed to an upland site exclusive of wetland areas.
 - (g) Structural repair of man-made structures, except as exempted by R 322.1008(3), when their design and purpose meet both of the following criteria:
 - (i) The repair does not alter the original use of a recently serviceable structure.



- (ii) The repair will not adversely affect public trust values or interests, including navigation and water quality.
- (h) Fish or wildlife habitat structures which meet both of the following criteria:
 - (i) Are placed so the structures do not impede or create a navigational hazard.
 - (ii) Are anchored to the bottomlands.
- (i) Scientific structures, such as staff gauges, water monitoring devices, water quality testing devices, survey devices, and core sampling devices, if the structures do not impede or create a navigational hazard.
- (j) Navigational aids which meet both of the following criteria:
 - (i) Are approved by the United States coast guard.
 - (ii) Are approved under Part 801, Marine Safety, of the NREPA, being 324.80101 et seq. of the Michigan Compiled Laws.
- (k) Extension of a project where work is being performed under a current permit and which will result in no damage to natural resources.
- (l) A sand trap wall which meets all of the following criteria:
 - (i) The wall is 300 feet or less in length along the shoreline.
 - (ii) The wall does not extend more than 30 feet lakeward of the toe of bluff.
 - (iii) The wall is low profile, that is, it is not more than 1 foot above the existing water level.
 - (iv) The wall is constructed of wood or steel or other nonpolluting material.
- (m) Physical removal of man-made structures or natural obstructions which meet all of the following criteria:
 - (i) The debris and spoils shall be removed to an upland site, not in a wetland, in a manner which will not allow erosion into public waters.
 - (ii) The shoreline and bottom contours shall be restored to an acceptable condition.
 - (iii) Upon completion of structure removal, the site does not constitute a safety or navigational hazard.
 - (iv) Department staff shall consider fisheries and wildlife resource values when evaluating applications for natural obstruction removal.

General Permit Categories for Minor Activities under Part 303, Wetlands Protection, of the NREPA

Section 30311 of the NREPA specifies the criteria that must be met before a permit authorization may be issued. These general criteria, as well as the specific criteria below, must be met before the LWMD can issue an authorization under a GP.

- A permit for an activity shall not be approved unless the department determines that the issuance of the permit is in the public interest, that the permit is necessary to realize the benefits derived from the activity, and that the activity is otherwise lawful.
- A permit shall not be issued unless it is shown that an unacceptable disruption will not result to the aquatic resources. A permit shall not be issued unless the applicant also shows either of the following:
 - (a) The proposed activity is primarily dependent upon being located in the wetland.
 - (b) A feasible and prudent alternative does not exist."
- The types of activities described below can typically be processed as minor actions. However, some activities will not qualify for this type of processing even if the listed criteria are met. Applications will not qualify for consideration under these categories if:
 - (a) It is determined that the proposed project would constitute a "major discharge" subject to Federal review under any State-Federal memorandum of agreement
 - (b) The wetland is associated with sensitive natural resource areas including:
 - (i) a Federally designated wild and scenic river,
 - (ii) a State designated natural river,
 - (iii) a State or Federally designated wilderness or environmental area,
 - (iv) a riverine floodway, unless qualified as a Minor Project under Part 31,
 - (v) a State or Federally listed or proposed threatened or endangered species (unless alternative procedures are followed to coordinate with federal agencies, or the landowner has obtained a letter of no impact from the Michigan Department of Natural Resources),
 - (vi) an identified historic or archeological area,
 - (vii) an identified recharge area for drinking water aquifers,
 - (viii) an identified rare or unique ecological type;
 - (c) The LWMD determines that the decision making process would benefit from public review of the application;
 - (d) The LWMD determines that a specific activity that would generally qualify as minor would, due to the proximity of other projects and the characteristics of the wetland, likely lead to adverse cumulative impacts;
 - (e) The project also requires a permit under Parts 31, 301, or 325 but does not meet one of the minor categories under those parts; or
 - (f) The project also requires a permit under Parts 315 or 353.

A) Small Ponds

- The proposed activity must meet the following specific criteria.
 1. Construction of a pond or ponds that are not directly connected to an existing inland lake or stream, impacting a total of not more than one third acre of wetland;
 2. Maintenance dredging of man-made ponds up to one acre in size that were previously authorized under this part or under Part 301 where such ponds are not directly connected to an inland lake or stream.
- All dredge spoils including organic and inorganic soils, vegetation and debris shall be placed at an upland site, leveled and stabilized with sod, or seeded and mulched in such a manner as not to erode into any water body or wetland, and not be located in a floodway or harmfully interfere with flood flows.
- This GP category does not authorize impacts to forested wetlands, locally uncommon wetlands types, or wetlands that are of a rare or unique ecological type on a statewide basis.
- Only one permit under this GP category may be authorized on the same parcel of property within any five year period.

B) Simple Elevated or Floating Structures

- The proposed activity must meet the following specific criteria.
 1. Boardwalks. Open pile or floating boardwalks constructed of appropriate non-polluting materials used to access wetlands or open water provided that they do not exceed 6 feet in width, except for widening to allow passage of wheel chairs, etc., at 150-foot intervals, and have a maximum cumulative



length through wetlands of 500 feet.

- 2. Platforms. Open pile or floating platforms constructed of appropriate non-polluting materials not to exceed 120 square feet of surface area.
- Roofs and walls are not authorized for structures included in this category. However, railings may be authorized if proper justification is provided by the applicant and determined by the LWMD to be necessary during the review process.

C) Fences

- The proposed activity must meet the following specific criteria.
 1. Residential Fences. Residential open construction fences elevated above the wetland on poles to allow for migration of reptiles, amphibians, and other small wildlife. Fences shall be limited to 5 feet in height and 150 feet in total length through wetland. (Note: This subcategory does not include fences that impact an inland lake or stream.)
 2. Livestock Fences. Open construction wire, plastic, or wooden fences elevated above the wetland on poles, with or without electric wires, designed to control livestock and limited to 5 feet in height and 200 feet in length through wetlands.
 3. Airport and other Security Fences. Perimeter fences placed for security and safety purposes at airports as mandated by the Federal Aviation Administration, at other facilities as mandated by the Federal Department of Homeland Security, or at military bases. Mowing of up to 12 feet on either side of the fence is allowed under this category.
- All fences must be constructed of non-polluting materials.
- This GP category is for placement of fencing only. It does not authorize placement of fill for access roads, berms or any similar purpose, nor does it authorize excavation for drainage ditches.
- This GP category does not authorize fences designed to exclude wildlife from wetlands or to provide cervidae enclosures.

D) Walkways on Public Lands or Lands Managed by Nonprofit Conservation Organizations

- Walkways or footpaths on public lands or on lands that are owned or managed by nonprofit conservation organizations, not to exceed 6 feet in base width and 200 feet in length where boardwalks or elevated walkways are not feasible or practical. Culverts will be required where necessary to provide for the free flow of surface water. If in a floodway, the grade elevation change shall not exceed four inches. This category only applies to areas that do not have standing water.

E) Driveways

- Construction of new driveways or the widening of existing driveways, provided that:
 1. Any upland on the property or other alternatives, such as obtaining a permanent easement for access from adjacent upland if available or shared driveway, is utilized to the greatest degree possible.
 2. The location of the driveway is at the least damaging place on the property (e.g., as close to any upland edge as possible or terminating in the upland nearest to the road access) and the driveway crosses the shortest wetland area or area of least impact. This GP category cannot be used to authorize a wetland crossing to achieve proximity to lakes, streams, or other features if an upland building site is available without crossing the wetland.
 3. The portion or portions of the driveway that pass through wetland are restricted to a total of 16 feet in base width (includes the width of any existing drive and associated fill), or are of clear span or open pile construction, and are a total of 200 linear feet. The driveway may be wider than 16 feet at the intersection with the public road if the applicant provides proof that the additional width is a requirement of a public transportation agency. No ditches may be placed in the wetland in association with the driveway.
 4. The driveway must terminate at a buildable upland site.
- Culverts shall be placed as necessary to provide for the free flow of surface and subsurface water and the movement of organisms. Fill shall be placed on filter fabric, or equivalent material if warranted by soil conditions.

F) Utilities

- The placement of utilities through wetland, including activities such as:
 1. Sewer and water line construction;
 2. Electric transmission and telephone poles and lines (but not including construction of transmission towers);
 3. Underground utility lines (cable, fiber optics, telephone); or
 4. Oil/gas pipelines with outside diameter larger than six inches.
- Crossing locations shall be selected to minimize the impact to the wetland.
- The outside diameter of the pipe, cable, encasement, etc., shall not exceed 20 inches.
- Construction shall be completed using construction methods, equipment, and materials that will minimize the impact on the wetland, using the following sequence of preferred methods.
 1. Directional boring must be used where it is necessary to cross a wetland, and it is feasible and prudent to use this method. (Jack and bore methods may be used for short crossings.) Use of this method should be given particular emphasis in any area that is prone to erosion, on slopes upgradient from coldwater streams, in forested wetland habitat, in high quality wetlands or wetland types that are locally uncommon, and in any wetland that contains a rare or imperiled community type as defined by the Michigan Natural Features Inventory or LWMD.
 2. Plowing-in or knifing-in of utility lines may be used in wetland areas where it is not feasible and prudent to use directional boring - for example, along existing road or utility corridors, or in some wetland types where impacts are minimal. Plowing-in is to be avoided in forested areas where trees must be removed, thereby opening a new corridor; in these areas, directional boring is clearly preferred.
 3. Open-trenching is acceptable only when it has been determined that the wetland crossing cannot be avoided, and that no other method is feasible and prudent.
- When these methods are used, the following additional criteria apply.
 1. Directional Bore or Jack and Bore (No limit on distance of wetland crossing):
 - (a) The entrance and exit locations of the bore shall be located entirely in uplands outside of the wetland, and isolated with double rows of properly installed silt fencing.
 - (b) Where it intersects the wetland, the top of the bore hole shall be a minimum of 48 inches below the wetland surface elevation.
 - (c) A plan for preventing and controlling the loss of drilling mud into the wetland must be submitted with the application.
 2. Plowing-in / Knifing-in Utility Line Installation (No limit on distance of wetland crossing):
 - (a) This method is used for utility lines of a size that can be immediately placed in a temporary trench causing minimal disturbance in wetlands.
 - (b) The utility will be immediately installed and areas immediately restored to grade.
 - (c) No additional fill materials (other than utility itself) shall be placed in the wetland.
 - (d) Any rutting or other soil disruption areas shall be restored and stabilized using a native Michigan wetland seed mix with purchase receipts provided to the DEQ.
 - (e) This method should not cross open water wetland areas.



3. Open Trench Method (Maximum 500 feet total wetland crossing):
 - (a) Project design and construction features shall assure that backfill used in the excavated trench will not result in the drainage of the wetland. Clay plugs shall be placed at the wetland/upland boundary and as needed throughout the trench system.
 - (b) Construction mats shall be utilized to the greatest extent possible to minimize ground compaction and disturbance of the wetland vegetation.
 - (c) Excavated materials shall be stockpiled and used to backfill the trench area with the top 6-12 inches of topsoil being stockpiled separately to backfill the top portion of the trench.
 - (d) Excess excavated material shall be removed from the wetland area and placed and properly stabilized in an upland (non-wetland, non-floodplain) area.
 - (e) Any excavated materials sidecast or stockpiled in the wetland shall not remain in the wetland for more than 30 days.
 - (f) All disturbed areas shall be restored within 30 days of completion of the installation, to original grade, soils de-compacted, and seeded with a native Michigan wetland seed mix with purchase receipts provided to the DEQ.
- G) **Oil, Gas, and Mineral Well Access Roads**
 - Access roads for oil/gas drilling or mineral well drilling activities, where angle drilling from upland is not feasible, and where the activity is of minor impact to the wetland on both an individual and cumulative basis. The access road where constructed in wetlands shall not exceed 20 feet in base width and 300 feet in length, and shall be placed on filter fabric or equivalent material. Culverts will be required, where necessary, to provide for the free flow of surface or subsurface water or to avoid restricting low flows and the movement of aquatic organisms.
 - Immediately upon plugging the well, all fill material shall be removed, the original wetland contours restored, and the site stabilized with a wetland seed source and mulched if necessary. The applicant shall provide a restoration plan, including a construction sequence, defining how any permitted wetland fill will be removed and the site restored.
- H) **Stormwater Outfalls**
 - Stormwater outfalls, provided that the outlet is riprapped or otherwise stabilized to prevent soil erosion and the stormwater will be pretreated by incorporating permanent Best Management Practices, will meet State water quality standards and applicable discharge permit requirements, and will have no more than minimal adverse impact to the hydrology of the wetland. All efforts should be made to minimize any changes in the wetland watershed area and the predevelopment quantity of water that the wetland receives.
- I) **Culverts**
 - Culverts, if installed for water level equalization, i.e., to provide for the free flow of surface water between portions of a wetland system, and to equalize the static water pressure.
- J) **Emergency Drain Maintenance**
 - Projects not otherwise exempt under Section 30305(2)(h) involving maintenance, repair, or operation of an existing drain where necessary to alleviate flooding on an emergency basis, providing that:
 1. The activity does not otherwise require a permit under Part 301, Inland Lakes and Streams, of the NREPA;
 2. The area and extent of current wetlands will not be diminished; and
 3. The activity is limited to restoring the drain to depths and widths that do not exceed historic constructed dimensions as defined by the original permit issued under Parts 301 and/or 303, or by the original engineering design in the instance of a drain constructed prior to the effective date of Part 301.
- K) **Drain management & conservation practices**
 - The following activities when carried out in conjunction with routine management of county and intercounty drains established pursuant to the Drain Code of 1956 by County Drain Commissioners or their agents:
 1. Localized drainage or fill of wetlands associated with reshaping of banks for the purposes of increasing bank stability. This category may be used to authorize activities such as flattening of slopes where the banks of drains have been historically maintained with an excessively steep grade; establishing low-flow channels within a drain; and installing bioengineered bank stabilization materials. The purpose of the project must be to modify the cross section of currently serviceable drainage ditches to improve water quality by reducing bank erosion, and may not result in drainage of wetlands beyond the immediate project area.
A project authorized under this GP is limited to one mile of drain impact (cumulatively) for the entire authorized project, and alteration of the drain cross section may not directly impact more than 1/3 acre of wetland outside of the existing channel. All new slopes must be stabilized with vegetation native to Michigan or bioengineering materials. This subcategory does not include deepening of the drain beyond its original constructed depth, or relocation of the drain, or significant change in the location of the centerline of the drain. Excavated materials must be disposed of and stabilized in an upland, non-floodplain, location, except when a berm is needed along the ditch to minimize adjacent wetland drainage.
 2. Minor repair/stabilization of streambank above the Ordinary High Water Mark (OHWM) in wetland. Placement of up to five cubic yards of clean fill per repair in wetlands above the OHWM to stop streambank erosion, or to repair damage from falling trees or similar events. The area filled must not significantly exceed the elevation of the original streambank, and must be stabilized with vegetation native to Michigan or other appropriate material to prevent further erosion.
- L) **Septic System Replacement**
 - Replacement of a failed on-site septic tank and/or drain field system providing that it is required by and meets design standards of the local health department. When possible the replacement tank and field system must be in the same location as the original system. Where the option is available, pump-back systems to upland will be required in place of mounded systems in order to qualify for construction under this GP category. A copy of the local health department permit or permission must be submitted to the LWMD at the time of application.
- M) **Repairs to Serviceable Structures**
 - Repairs to a serviceable structure that is not otherwise exempt from permits under Part 303 provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated in the original design. This category applies to structures in existence on October 1, 1980, or constructed pursuant to Part 303. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, current construction codes, or safety standards, that are necessary to make repairs may still be considered under this category providing that the environmental impacts resulting from the entire repair are minimal. Serviceable means useable as is or with minor repair, but not so degraded as to essentially require reconstruction. Serviceable structures damaged by storms, floods, fire, or other discrete events are included under this category provided that the repairs are commenced or under contract to commence within one year of the date of the damage.
 - This GP category cannot be used to authorize any alteration of drains, which are not considered "serviceable structures" for purposes of these regulations.
- N) **Emergency Spill Cleanup**
 - In addition to the General Criteria and Limitations outlined above, the proposed activity must meet the following specific criteria.

**US Army Corps of Engineers (USACE)****Michigan Department of Environmental Quality (MDEQ)**

- Activities required for the emergency containment and cleanup of oil and hazardous substances provided that::
 1. The work is done in accordance with State or Federal contingency plans;
 2. The MDEQ division or Federal agency responsible for requiring the spill cleanup concurs with the proposed containment and cleanup actions, and the applicant provides some proof of this concurrence with the application; and
 3. The wetland will be fully restored to its original condition prior to the discharge or spill.

O) Cleanup of Hazardous Substances and Hazardous and Toxic Waste

- Specific activities required to affect the containment, stabilization, or removal of hazardous substances or hazardous or toxic waste materials that are performed, ordered, or sponsored by the U.S. Environmental Protection Agency (USEPA) or the MDEQ provided that the plan prevents, to the extent feasible, any impacts to water or wetlands. The application must include a delineation of the affected wetland and a letter from the agency requiring the cleanup confirming the need for and explaining the scope of the cleanup. Court-ordered remedial action plans or related settlements also qualify under this category. This category does not include the establishment of new disposal sites, nor does it include improvements or expansions of existing sites, such as caps, leachate collection ponds, access roads, etc., that are used for the disposal of hazardous or toxic wastes, all of which will be processed as individual permit applications.
- The LWMD will coordinate with USEPA's 404 Program staff on all applications submitted under this category.

P) Maintenance Dredging of Man-Made Stormwater and Wastewater Treatment Ponds and Lagoons

- Excavation and removal of accumulated sediment for maintenance of functional and active stormwater retention or detention basins, sediment basins, treatment ponds and lagoons, or other man-made water treatment or retention areas created for those sole purposes. Dredged material must be placed in an upland site outside of regulated floodplains and stabilized with sod, or seeded, mulched, or ripped, as necessary, to prevent soil erosion into any inland lake, stream, or wetland; or dredged material may be placed in a licensed landfill based on sediment leachate analysis of the material. The applicant shall submit the analytical results and sampling locations with the application. The upland disposal sites or licensed landfill must be identified in the plans.

Q) Public Road Projects

- Public road projects contained within the existing right-of-way where all practical means have been used to minimize the wetland impact, and all components of the project will impact no more than two acres of wetland. This category shall be further restricted to the following:
 1. Safety Improvements. The following projects which, after a finding of necessity by the public transportation agency, are determined to be required for safety reasons and for which the wetland fill will not exceed one-third acre per wetland.
 - a) Flattening of road slopes to meet the minimum safety standard.
 - b) Construction of standard shoulder widths.
 - c) Installation of guardrail flares.
 - d) Intersection improvements.
 - e) Elimination of roadside obstacles, such as sign platforms and utility poles.
 - f) Addition of a lane for safety reasons.
 - g) Open construction highway fencing elevated above the wetland on poles limited to five feet in height.
 2. Roadside Ditch Maintenance. Re-establishment of existing roadside ditches to the original size, shape, and location where the draining of adjacent wetlands will not occur. Excavated materials must be disposed of and stabilized on upland, except when a berm is needed along the ditch to minimize adjacent wetland drainage.
 3. Equalizer Culverts. Replacement, extension, or maintenance of an existing equalizer culvert that is required to maintain a hydraulic connection and static water pressure between parts of a wetland severed by an existing roadway where the extension will not exceed the toe of slope on either side of the fill.
 4. Temporary Work Pads. Temporary work pads where the site will be restored to its preconstruction condition within one year.

R) Minor Residential Construction for Parcels Owned Since 1980

- Construction or expansion of a single family residence with the total impact area in wetlands not exceeding one-quarter acre for all phases of the residential construction, including a driveway [*Note: this GP category cannot be used in conjunction with Category E. Driveways*] a one- or two-car garage, small storage shed (not to exceed 100 square feet), foundation fill, and all waste treatment facilities, provided that::
 1. The ownership of the parcel of land shall have been maintained within the immediate family (the original owners or their children) since October 1, 1980. This category can be used only once on a parcel of land that existed prior to October 1, 1980, and only one permit can be granted to a family. It cannot be used on parcels established on or after October 1, 1980. Only one permit under this minor fill provision of the GP may be granted to a person.
 2. No fill shall be placed in any part of a wetland that is inundated by water and provides fish habitat functions at any time.
 3. All upland on the property shall be utilized to the greatest degree possible.
 4. The proposed fill in wetlands shall be at the least damaging location on the property.
 5. All necessary actions shall be taken to minimize on-site and off-site impacts including sewage treatment systems that pump back to uplands where feasible.
 6. The filled area surrounding building foundations will not be greater than 15 feet from the edge of the foundation to the toe of the slope. Fill slopes shall not be flatter than 1 vertical to 4 horizontal. Additional fill for purposes such as landscaping or recreational facilities will not qualify under this category.

S) Scientific Measuring Devices and Test Wells

- Scientific structures, such as staff gauges, water monitoring devices, water quality testing devices, core sampling devices, and small test wells and piezometers. All such devices must be constructed of nonpolluting materials. The placement of any scientific structure or device must have the approval of the property owner. Placement of any scientific device must require no more than an insignificant amount of excavation or fill as necessary to establish a solid base for installation of equipment, or covering of installed devices.
- This GP category shall not be used to authorize:
 1. Weirs or other structures that impede the flow of water or alter the water elevation on a site.
 2. Water extraction wells, oil and gas exploration wells, or other large scale well drilling.
 3. The construction of haul roads or temporary access roads.

T) Fish and Wildlife Habitat Structures

- Fish and wildlife habitat structures (e.g., nesting platforms) placed in wetlands, where, (a) the property is owned and managed by a State or Federal resource agency and the structures are placed in accordance with an approved management plan, or (b) a private landowner has received the written authorization from the appropriate Department of Natural Resources' District Fisheries or Wildlife Biologist.
- All such structures must be constructed of non-polluting materials that will not degrade habitat for existing species. Placement of any habitat structure must require no more than an insignificant amount of excavation or fill necessary to establish a solid base for installation of equipment, or covering of installed devices.
- This GP category will not be used to authorize:



1. Weirs or other structures that impede the flow of water or alter the water elevation on a site.
2. Excavation of ponds or placement of berms or other structures that require placement of a significant volume of fill.
3. The construction of haul roads or temporary access roads.

U) Wetland Habitat Restoration and Enhancement

- This category applies only to projects that serve to restore or enhance wetland functions and shall not result in a net loss of wetland acreage or function. Projects under this category are limited to those being conducted by or in cooperation with State or Federal agencies and nonprofit conservation organizations.
- For this category, altered wetlands include areas that have been partially or fully drained by ditching, tiling, and/or pumping; or partially or fully filled by direct placement of material or significant sedimentation; or where other land use conversions have resulted in significant alteration of the original character of the site.

1. Shallow Water Development for Wildlife ("Pushouts").

Construction or maintenance of individual shallow water developments for wildlife (generally known as "pushouts") within altered wetlands, provided that the proposed activity meets all of the following criteria.

- a) At least 50 percent of the surface area of the pushout shall have a water depth of no more than 18 inches, and the maximum depth of the pushout shall be no more than 72 inches.
- b) Dredged or excavated spoils shall not be located in a floodway or harmfully interfere with flood flows. Spoils must be removed from any floodplain regulated under Part 31, Water Resources Protection, of the NREPA, or otherwise meet the criteria for a Minor Permit under that part.
- c) The pushout shall not be constructed within or physically touching an inland lake or stream.
- d) The area impacted by pushout(s) shall not exceed 0.5 acre, with the exception of certain farmed wetlands and wetlands degraded by invasive species as described below.
- e) All excavated spoils including organic and inorganic soils, vegetation and debris shall be placed at an upland site, leveled and stabilized with sod, or seeded and mulched in such a manner as not to erode into any water body or wetland, unless this material is used to re-establish microtopography in certain altered wetlands as described below.

The following additional criteria apply only to wetlands that have been farmed within that past five years, or that are dominated by invasive species such as reed canary grass, purple loosestrife, and *Phragmites*:

- f) The area impacted by individual pushouts shall not exceed 1.5 acres, and the cumulative impact of pushouts associated with a project shall not exceed 3 acres.
- g) Dredged or excavated spoils from the pushout(s) may be placed within wetlands immediately adjacent to the pushout in order to re-establish microtopography, provided that spoil placement area is limited to a maximum of one acre per project, and that the spoil area will continue to meet the definition of a wetland under Part 303 based on expected water depths shown on project plans.

2. Restoration or Enhancement of Altered Wetland Areas.

Projects that serve to negate or minimize the negative impacts of historic efforts to drain, fill, or destroy wetlands. Projects authorized under this subcategory include:

- a) Restoration (to the extent possible) of the original or natural wetland hydrology, vegetation, and/or functions of altered wetlands.
- b) Enhancement of certain characteristics of a wetland in a manner not consistent with original conditions (e.g. increased hydrology, alteration of vegetation or wetland functions) only in wetlands that have been farmed within the past five years, or that are dominated by invasive species such as reed canary grass, purple loosestrife, and *Phragmites*.

This subcategory does not include conversion of unaltered wetlands to another aquatic use, such as the creation of a pond or impoundment, the alteration of a wetland identified as a rare or unique ecological type, or the conversion of forested wetlands to another habitat type.

Specific wetland restoration and enhancement activities that may be authorized under this subcategory include:

- (i) Installation and maintenance of small water control structures, dikes, berms, and embankments.
- (ii) Removal or blocking of existing drainage structures (e.g., ditch plugs, tile breaks, pump removal).
- (iii) Use of soil cultivation equipment, such as harrows, discs, and plows, to re-establish microtopography in wetlands that have been farmed within the past five years, or that are dominated by invasive species such as reed canary grass, purple loosestrife, and *Phragmites*.
- (iv) Excavation of accumulated sediment or fill to the original hydric soil surface.

Wetland fill for dikes, berms, embankments, and other structures shall not exceed two acres. The purpose of such fill shall be to restore the original hydrological function of the altered wetland. The two acre size limit refers only to the wetland area on which fill is placed and not to the broader disturbance area or restored basin size.

The following activities **cannot** be authorized under this subcategory, and require individual permits:

- a) Construction of a dike, berm, or embankment that is six feet or more in height and that impounds an area of five acres or more during a design flood; such activity requires authorization under Part 315, Dam Safety, of the NREPA.
- b) Any encroachment of a floodplain, floodway, or stream channel that drains over two square miles except for those activities meeting the minor project categories listed in Part 31.
- c) Any alteration of a lake or stream requiring approval under Part 301, Inland Lakes and Streams, of the NREPA, except those activities meeting minor project categories listed in the Administrative Rules for Part 301.
- d) Any alteration of Great Lakes submerged bottomlands requiring approval under Part 325, Submerged Lands, of the NREPA, except those activities meeting the minor project categories listed in Part 325.
- e) Projects that require a permit under Part 323, Shorelands Protection and Management, of the NREPA.
- f) Projects that require a permit under Part 353, Sand Dune Protection and Management, of the NREPA.

V) Removal of Man-Made Structures

- Physical removal of small man-made structures from wetlands, not including houses or commercial buildings, provided that the following conditions can be met:
 1. The structure to be removed does not control the water level of an inland lake or stream, or the water level in the adjacent wetland.
 2. All material removed from the wetland, including footings and pilings, must be removed from the wetland and be disposed of properly in an upland location, or a landfill as appropriate.
 3. Any bare soil or disturbed areas shall be promptly stabilized to prevent erosion.
 4. The wetland must be restored to its original condition or to a condition that is consistent with the surrounding wetland area. Where plantings are required, native Michigan plants must be used.



5. This GP category does not authorize more than de minimus excavation of soil and sediment or the use of water jetting to remove structures in wetlands.

Determination of whether an application may be processed under these GP Categories will be made by DEQ staff.

Issuance of a permit pursuant to GP procedures does not remove the need for other applicable local, State, or Federal permits.

This GP modifies and replaces the June 14, 2002 *General Permit Categories for Minor Activities in Wetlands in the State of Michigan* and shall expire five years from the date of issuance on June 13, 2012, unless revoked or modified before that date.